

COPY OF PAPERS
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/993,739	11/23/2001	D. Lee	112430.134US7

HALE AND DORR LLP

23483
HALE AND DORR, LLP
60 STATE STREET
BOSTON, MA 02109

JAN 28 2002

INTELLECTUAL PROPERTY
DEPARTMENT

CONFIRMATION NO. 1714

FORMALITIES LETTER



Date Mailed: 01/24/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **18** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing

08/20/2002 YPOLITE1 00000102 080219 0995379
01 FC:205 65.00 CH

date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

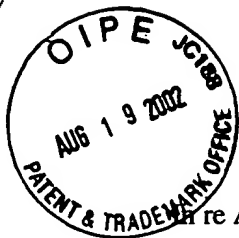
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 112430.134US7)

Re Application of: Lee et al.

Examiner: Not Yet Assigned

Serial No: 09/993,739

Group Art Unit: 1616

Filed: November 23, 2001

For: METHOD OF PREPARING A POORLY CRYSTALLINE CALCIUM PHOSPHATE AND
METHODS OF IT USE

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, DC 20231 on the date indicated below.

Date: 8/13/02

Heather May
Heather May

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Dear Sir:

Enclosed for filing in the above-identified patent application is a Response to Notice to File Missing Parts of Nonprovisional Application, Filing Date Granted and a Preliminary Amendment.

The five-month extension fee of \$945.00 under 37 CFR 1.136(a) should be charged to Deposit Account No. 08-0219. Please also charge any additional fees due in connection with this matter, or credit any overpayment to Deposit Account No. 08-0219.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

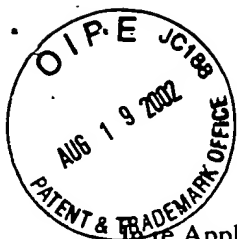
Mary Rose Scozzafava

MaryRose Scozzafava, Ph.D., Reg. No. 36,268
Attorney/Agent for Applicants

Date: August 13, 2002

HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000
(617) 526-5000 (Facsimile)

7-712



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 112430.134US7)

Application of: Lee et al.) Examiner: Not Yet Assigned
Serial No: 09/993,739) Group Art Unit: 1616
Filed: November 23, 2001)
For: METHOD OF PREPARING A POORLY CRYSTALLINE CALCIUM PHOSPHATE AND
METHODS OF IT USE

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR §1.8

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Date: 8/13/02

Heather May
Heather May

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION
Filed Under 37 C.F.R. 1.53(b)

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, mailed January 24, 2002, Applicants submit the following documents for filing in the above-referenced patent application:

1. Copy of the Notice to File Missing Parts of Nonprovisional Application, mailed January 24, 2002;
2. Executed Declaration and Power of Attorney (From Parent Application No. 09/284,297);
3. Certificate of Mailing; and
4. Return postcard.

Applicants note the omission of Figure 18 from the application as filed and will submit a Preliminary Amendment amending the specification of the application to cancel all references to the omitted drawing (Figure 18), relabel the drawings to be numbered consecutively and to correct the references in the specification to Figure 18.

Applicants respectfully request a five-month extension of time pursuant to 37 C.F.R. §1.136(a), up to and including August 24, 2002. The five-month extension fee of \$945.00 under 37 C.F.R. §1.136(a) should be charged to Deposit Account No. 08-0219.

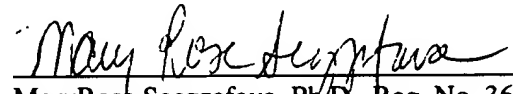
08/20/2002 YPOLITE1 00000102 080219 09993739
02 FC:228 980.00 CH

Response to Notice to File Missing Parts
Application No. 09/993,739

The surcharge fee of \$65.00 pursuant to 37 C.F.R. §1.16(e) should also be charged to Deposit Account No. 08-0219. Please also charge any additional fees which might be due to Deposit Account No. 08-0219.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,


MaryRose Scozzafava, Ph.D., Reg. No. 36,268
Attorney/Agent for Applicants

Date: August 13, 2002
HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000
(617) 526-5000 (Facsimile)



COPY OF PAPERS
ORIGINALLY FILED

040
8/29/02

Receipt
FILE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 112430.134US7)

In re Application of: Lee et al.) Serial No: 09/993,739
Filed: November 23, 2001) Art Unit: 1616

Title: METHOD OF PREPARING A POORLY CRYSTALLINE CALCIUM PHOSPHATE AND METHODS OF ITS USE

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR 1.8 (a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, Attention: OIPE Customer Service Center, on the date indicated below.

Date: 8/13/02

Heather May
Heather May

Commissioner for Patents
Washington, D.C. 20231
Attention: OIPE Customer Service Center

REQUEST FOR CORRECTED FILING RECEIPT

Dear Sir:

Attached is a copy of the formal filing receipt for the above-referenced application. Please correct the "Domestic Priority as Claimed by Applicant" section to read as follows:

THIS APPLN IS A CON OF	09/284,297	07/05/2000
WHICH IS A 371 OF	PCT/US97/18631	10/16/1997
WHICH CLAIMS PRIORITY TO	08/732,016	10/16/1996
	08/729,344	10/16/1996
	08/729,343	10/16/1996

Please charge any fees which may be due in connection with this matter to deposit account 08-0219. If there are any questions, please call the undersigned at the telephone number indicated below.

Please charge any fees due in connection with this matter to Deposit Account No. 08-0219. If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,
HALE AND DORR LLP

Dated: August 13, 2002
Hale and Dorr LLP
60 State Street
Boston, MA 02109
Tel: (617) 526-6000
Fax: (617) 526-5000

Mary Rose Scozzafava
MaryRose Scozzafava, Ph.D., Reg. No. 36,268
Attorney/Agent for Applicants

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 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/993,739	11/23/2001	1616	600	112430.134US7	19	17	1

HALE AND DORR LLP

 23483
 HALE AND DORR, LLP
 60 STATE STREET
 BOSTON, MA 02109

JAN 28 2002

INTELLECTUAL PROPERTY
DEPARTMENT

CONFIRMATION NO. 1714

FILING RECEIPT



*OC00000007354042

Date Mailed: 01/24/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

D. Lee, Residence Not Provided;

Domestic Priority data as claimed by applicant

 THIS APPLICATION IS A CON OF 09/284,297-07/05/2000
 WHICH IS A 371 OF PCT/US97/18631

Foreign Applications WHICH CLAIMS PRIORITY TO

10|16|1997

08|732,016

10|16|1996

08|729,344

10|16|1996

08|729,343

10|16|1996

If Required, Foreign Filing License Granted 01/24/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Method of preparing a poorly crystalline calcium phosphate and methods of its use

Preliminary Class

424

HALE & DORR DOCKETING

RE: 112430.134 US 7

Action Date: _____

Action to be Taken: _____

Docketed by: On On: 1-28-02

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).